



# HOUSE OF REPRESENTATIVES

HB 2377

criminal sentencing; restoration of rights

Prime Sponsor: Representative Farnsworth E, LD 12

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**DPA** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2377 allows a judicial officer to restore a person's civil rights after a felony conviction and makes conforming changes in other criminal statutes.

## **PROVISIONS**

1. Allows a judicial officer to restore civil rights that are either lost or suspended by a felony conviction, instead of the presiding judge or the judge that sentenced the person or his/her successor.
2. Corrects internal references related to Laws 2015, Ch. 51 as related to repetitive offender sentencing.
3. Removes a penalty in the aggravated assault statute specific to victims under 15 years of age if the aggravated assault involves taking or attempting to take an officer's weapon.
4. Makes technical and conforming changes.

## **AMENDMENTS IN JUDICIARY COMMITTEE**

1. Makes additional conforming changes by adding three sections related to restoration of civil rights.

## **CURRENT LAW**

Several statutes address the process for a person convicted of one or more felonies to petition the court to have civil rights restored. These sections refer to either the sentencing judge or his/her successor ([A.R.S. §§ 13-905, 13-906, 13-908 and 13-912.01](#)) or the presiding judge ([A.R.S. §§ 13-909, A.R.S. 13-910 and A.R.S. 13-911](#)) as having the authority to restore rights.

Laws 2015, Ch. 51 ([HB 2289--repetitive offenders; sentencing](#)) made numerous changes to A.R.S. § 13-703, including collapsing Subsection B into Subsection A, creating one paragraph. References to the prior Subsection B are still contained in A.R.S. § 12-2703, A.R.S. § 13-703(L) and A.R.S. § 41-1604.10.

Laws 2015, Ch. 109 ([HB 2304--aggravated assault; simulated deadly weapon](#)) expanded the aggravated assault statute (A.R.S. § 13-1204) to include a new offense related to the use of a simulated deadly weapon. The bill also created a penalty for the offense of taking/attempting to take an officer's weapon if the victim was under 15 years of age.